

Research Assessment #6

Date: November 1, 2024

Subject: Jury Selection as Election: A New Framework for Peremptory Strikes

MLA/APA citation:

Leshem, Ela A. "Jury Selection as Election: A New Framework for Peremptory Strikes." Yale Law Journal, vol. 128, no. 8, July 2019, pp. 2356+. Gale Academic OneFile, link.gale.com/apps/doc/A594620993/AONE?u=txshracd2497&sid=bookmark-AONE&xid=5c4be41c. Accessed 8 Nov. 2024.

Article Link:

https://docs.google.com/document/d/1ygE7-rwcztCK623fQYU0WDSqYjtf1E2tU_w2Q_tF1WU/edit?usp=sharing

Assessment:

In "Jury Selection as Election: A New Framework for Peremptory Strikes," Ela Leshem proposes viewing the jury selection process as a democratic act, likening the selection of jurors to an election process. She argues that peremptory strikes, traditionally used to remove potential jurors without stated reason, can lead to unfair outcomes and biases that undermine justice. By reimagining jury selection through a framework that draws from electoral principles, Leshem suggests a model that could reduce discrimination and ensure a fairer, more representative jury system.

As I read Leshem's argument, I find myself questioning the integrity of peremptory strikes in the current legal system. If these strikes are meant to create an impartial jury, why are they so often

shrouded in personal biases? This piece brings me back to some foundational questions about fairness in the courtroom. Peremptory strikes are meant to ensure both sides feel they are getting a fair trial, but Leshem's analysis shows that they might inadvertently achieve the opposite by allowing implicit biases to slip through. I agree with Leshem's concerns: if jurors are indeed representatives of the community, why shouldn't their selection be transparent and democratic?

Leshem's article also shifts my perspective on the importance of the jury as a microcosm of society. I hadn't considered jury selection from this civic or democratic angle before, but the comparison resonates with me, especially as it aligns with my focus on victims' rights and equitable representation. How does an impartial or biased jury directly affect the rights of a victim? It's a question that feels increasingly relevant, especially given the impact of jury decisions on individuals' lives and broader social issues. Leshem's proposal makes me wonder if the current system might sometimes fail to serve justice fully when unchecked biases play a part in jury composition.

Comparing this framework with other sources on jury selection, Leshem's approach feels particularly fresh and actionable. I've encountered other works that critique peremptory strikes, but none suggest a systematic shift grounded in democratic principles. Leshem's proposal appeals to me because it doesn't just critique but also envisions a proactive solution. However, I question whether this framework would be realistic to implement in practice. Would such a reformed process slow down the judicial system even more? It's a question I'll keep in mind as I research further.

In conclusion, Leshem's article challenges my understanding of fairness within the legal process and underscores the need for transparency. Moving forward, I want to explore whether there

are existing legal systems that have implemented changes similar to what Leshem proposes and, if so, how effective those changes have been.